

## Hospitality and Leisure: Maintaining a Safe and Suitably Staffed Venue

Since it was announced that restaurants, bars, pubs and cafes, as well as hotels and B&Bs in England can emerge from their three-month hibernation, employers have been busy implementing appropriate controls to keep customers and staff safe under new conditions. But with the potential for local lockdowns or even a second wave, employers will need to fine-tune their precautions and remain vigilant in the coming weeks and months.

Furthermore, though the flexible furlough scheme and other government support schemes provide an important lifeline in the short term, especially with social distancing and other safety measures forcing business to operate at reduced capacity, it is also crucial to consider the long-term structure of your workforce. Will you need to make changes to employment contracts, or consider redundancies in order to preserve a sustainable business?

Read on for clear advice and guidance on the resources available to help you navigate the current situation.

### 1. Understand your legal duty to assess risk and provide a COVID-safe environment

Consumers are the lifeblood of the industry. While the majority of other sectors concentrate on protecting the safety of their employees, hospitality and leisure businesses have the dual challenge of assessing risk and communicating control measures to both their staff and customers.

#### Five steps to risk assessment

**Step 1:** Identify the hazard (in this case COVID-19), the areas and activities in the workplace where there may be a risk of transmission, and who may be harmed and how.

**Step 2:** Assess the risks and take action. For each hazardous situation and activity identified, consider how likely it is that transmission may occur and the severity of the harm. Follow the wealth of UK and devolved government guidance as well as [HSE](#) resources.

**Step 3:** Record the significant findings. To help with this, a number of sector-specific risk assessment templates are available to download for free on Ellis Whittam's [Coronavirus Advice Hub](#).

**Step 4:** Review the risk assessment on a regular basis and whenever there is a significant change to your business practices or personnel, new or updated government guidance, or if there is reason to believe your controls are no longer effective.

**Step 5:** Communicate the findings to your employees through training and toolbox talks, and to your customers through signage, email and on your website.

Once you have conducted a risk assessment and documented this, you must implement practical controls to protect anyone who may be affected by your activities. Potential control measures range from eliminating certain activities (for example, providing table service only to avoid congestion at a bar), through to administrative controls such as clear signage for customers, to the use of PPE as a last resort.

Remember, this is a collaborative effort, so involve employees. Not only will their insight help to decide on and implement adjustments, but their collective buy-in will ensure plans are properly executed and enable you to get back on track swiftly and safely.

## **2. Evaluate your level of custom and staffing requirements**

There are several questions for owners and managers to ask. Will you require staff to start and finish at different times to comply with social distancing? Will you need to reorganise your workforce, perhaps redeploying some employees, either permanently or temporarily? Will you need to cut hours or pay due to the financial impact of the crisis?

Consider these questions ahead of time and be sure to document your decision-making so that this can be used to support any processes that result from your planning.

Once you have your resourcing plan, you may need to amend employees' terms and conditions to reflect any changes. For example, asking people to work different shifts, perhaps with a later start and finish time, could involve a contractual change.

A contract can only be changed in line with its existing terms or by agreement, so start by checking what it currently says. There are many factors and scenarios to consider when revising your level of staff resource. More detailed free guidance around this, and related matters including flexible furlough, can be found on the [Coronavirus Advice Hub](#).

## **3. Consider whether redundancies are necessary**

Despite your best efforts, and the various support mechanisms offered by the government, you may have to consider redundancies. The processes for this vary depending on how many employees are at risk; however, some broad principles apply universally, including the need to:

- Give adequate advance warning;
- Consult with staff to attempt to resolve the situation and avoid the need for redundancies (usually 10 to 14 days is required, although this could be shorter for more straightforward situations, or longer if a certain number of dismissals are proposed);
- Be fair and reasonable, and follow a proper process;
- Explore alternatives (in particular, during the current crisis, the furlough scheme);
- Consider, discuss and offer suitable alternative employment if available; and
- Make appropriate redundancy and notice payments subject to statutory requirements if no alternative/higher contractual arrangement exists.

There's no doubt the world of hospitality and leisure is going to look entirely different as we emerge from lockdown, but it is important to stay alert to government advice, continue to refine your controls, and think one step ahead in order keep people safe, limit your liabilities and build back up a profitable business

***Ellis Whittam helps over 17,500 British businesses and organisations to create great, safe places to work through fixed-fee Employment Law, HR and Health & Safety support.***

*Download free guides, templates and risk assessments specific to the hospitality and leisure industry, as well as further COVID-19 employer support resources, from its [Coronavirus Advice Hub](#).*